

**OSAWATOMIE CITY COUNCIL
AGENDA**

March 11, 2010

7:00 p.m., Memorial Hall

1. Call to order
2. Roll Call
3. Pledge of Allegiance
4. Consent Agenda
 - Consent Agenda items will be acted upon by one motion unless a Council member requests an item be removed for discussion and separate action*
 - A. Approve Minutes of February 11 and February 25 City Council Meetings
 - B. Approve March 11 Agenda
 - C. Appropriation Ordinances 10-3 & 10-4
5. Comments from the Public; Presentations
 - Citizen participation will be limited to 5 minutes. Please stand & be recognized by the Mayor*
 - A. City's Spring & Summer Recreational Opportunities in Osawatomie
 - a. Golf Course Director Brad Waggoner
 - b. Recreation Director Ron Maring
 - B. April 6 Election, April 8 Meeting, and Certification of Ballots April 12
6. Public Hearing - none
7. Unfinished Business
 - A. Approve Invoices for Library Improvement Grant – Request No. 8
8. New Business
 - A. Appointments
9. Council Reports
10. Mayor's Report
11. City Manager's Report
12. Executive Session – none
13. Adjournment

*REGULAR MEETING / WORK SESSION
March 25, 2010*

REGULAR MEETING – April 8, 2010

Osawatomi, Kansas. February 11, 2010. The Council meeting was held in Memorial Hall. Mayor Dudley called the meeting to order at 7:00 p.m. Council members present were Dalton, Hunter, LaDuex, Maichel, Moon, Ratley, and Walmann. Absent was Kaempfe. Also present were City Manager Glendening, City Attorney Wetzler and City Clerk Elmquist. Visitors were Robert Kerr, Lawrence Dickinson, Web Hawkins, Doug Carder, and Travis Perry.

CONSENT AGENDA. Approval of the Minutes of January 14 and January 28 Meetings, approval of February 11 Agenda, and approval of Appropriation Ordinances 09-25, 10-1, & 10-2. Motion made by Hunter, seconded by LaDuex to approve the consent agenda. Yeas: All.

Public Participation; Presentations: None

Public Hearings: None

Unfinished Business:

APPROVE INVOICES FOR LIBRARY IMPROVEMENT GRANT – REQUEST NO. 7. Motion made by Hunter, seconded by LaDuex to approve Pay Request No. 7. Yeas: All.

DISCUSS UPDATE TO WATER AND ELECTRIC RATE MODELS. The water rates, if the Council wishes to achieve a 15% fund balance, would require approximately an 8% increase. Electric rates are adequate to meet the fund balance goal.

DISCUSS TECHNICAL FEASIBILITY REVIEW FOR AQUATIC CENTER. Received information from Burbach Aquatics, Inc. about a technical review and a feasibility study of the swimming pool. Their fee would be \$4,500. Funds could be used from the Special Parks & Recreation fund. Consensus was to obtain a scope of services from three firms.

DISCUSS RFP FOR ENGINEERING SERVICES FOR ELECTRIC UTILITY. The City should evaluate the technical/feasibility requirements of replacing the diesel generators with new, more efficient, natural gas generators to create more generating capacity. There also needs to be an evaluation of the entire electric distribution system and identify any other items that could possibly require attention. Motion made by Maichel, seconded by LaDuex authorizing the City Manager to proceed with development of a request for proposals to find a consulting engineering firm. Yeas: All.

New Business:

APPOINTMENTS. None

PROCLAMATION – National Rehabilitation Awareness Week. Proclamation encourages all citizens to increase awareness, education, and services for congenital heart defects. Motion made by Hunter, seconded by Maichel to approve the proclamation. Yeas: All.

Council Reports:

Moon: Wants to be involved with the process of the evaluation of the electric utility.

Dalton: Contacted Commissioner George Pretz thanking the County for reconstructing the very dangerous intersection at John Brown Highway and Pressonville Road.

Hunter: The Tourism Committee will be holding the Old Stone Church Gospel Concert at the Old Stone Church February 27. Read the Police Department's 2009 year in review and is proud of the department for the work they have done.

Walmann: The Boy Scouts of America are celebrating the 100th anniversary this week.

Ratley: Concerned about the double standards. The Council in their reports also need to bring to the table difficult and controversial items.

Maichel: The gala for the YMCA annual mission campaign will be held February 20.

Mayor's Report:

The next legislative breakfast is February 20.

Would like the community involved in the evaluation of the electric utility.

City Manager's Report:

Streetscape. The contracts have been signed and delivered to the engineer, contractor and KDOT. As soon as it's practical, a pre-construction meeting will be scheduled that will include trying to establish a more firm date.

Farm Ground. Awarded the bids to the highest bidders on the leasing of the Northland farm and pasture ground. Received about \$14,000.

EXECUTIVE SESSION: None

Motion made by Hunter, seconded by Dalton to adjourn. Yeas: All.

Ann Elmquist, City Clerk

Osawatome, Kansas. February 25, 2010. The Council meeting was held in Memorial Hall. Mayor Dudley called the meeting to order at 7:30 p.m. Council members present were Dalton, Hunter, LaDuex, Maichel, Moon, Ratley, and Walmann. Absent was Kaempfe. Also present were City Manager Glendenning and City Clerk Elmquist. Visitors were Dwight Francis, Robert Kerr, Lawrence Dickinson, Web Hawkins, and Travis Perry.

APPROVAL OF AGENDA. Motion made by LaDuex, seconded by Hunter to approve the agenda as amended. Yeas: All.

PROCLAMATION – Boy Scouts Of America 100 Years of Scouting Day. Proclamation encourages all citizens to recognize the significant contributions of the Boys Scouts of America in the lives of our youth. Motion made by Maichel, seconded by Hunter to approve the proclamation. Yeas: All.

SCOPE OF SERVICE PROPOSALS FOR THE SWIMMING POOL/AQUATIC CENTER.
Proposals received were:

Burbach Aquatics, Inc.	\$4,500.000	2 visits – evaluation & presentation
Larkin Aquatics	Maximum \$10,500 Based on hourly rates plus 1% of final construction cost	2 trips – evaluate & review completed construction
Water's Edge Aquatic Design	\$3,500 including expenses	2 visits – evaluation & presentation

Motion made Maichel, seconded by Ratley to hire Burbach Aquatics to do the feasibility study of the swimming pool/aquatic center for a fee of \$4,500. Yeas: All.

AMENDMENT TO LIBRARY CONSTRUCTION PROJECT CONTRACT. Motion made by Maichel, seconded by Hunter to table. Yeas: All.

EXECUTIVE SESSION – PERSONNEL MATTER OF NONELECTED PERSONNEL. Motion made by Hunter, seconded by LaDuex at 7:34 p.m. to recess into executive session for personnel matter of nonelected personnel for a period of 5 minutes. Yeas: All. The City Manager and City Attorney were present. Meeting reconvened at 7:42 p.m. No action taken.

Motion made by Hunter, seconded by LaDuex to adjourn. Yeas: All.

Ann Elmquist, City Clerk

Record of Ordinances

ORDINANCE NO. 10-3

DATE WARRANTS ISSUED:
February 28, 2010

Page No. 1

AN ORDINANCE MAKING APPROPRIATION FOR THE PAYMENT OF CERTAIN CLAIMS.

Be it ordained by the Governing Body of the City of Osawatomie, Kansas

Section 1. That in order to pay the claims hereinafter stated which have been properly audited and approved, there is hereby appropriated out of the respective funds in the city treasury the sum required for each claim.

CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
Payroll 02/12/10			89,311.95
Payroll 02/26/10			97,962.82
FICA 02/12/10			6,491.06
FICA 02/26/10			7,152.76
KPERS			12,583.92
Beachner Grain, Inc.	kerosene, pesticide	35173	145.40
City of Osawatomie	utilities	35174	12,335.81
Cigna	health insurance	35175	34,452.60
Delta Dental	dental insurance	35176	3,491.48
Kansas City Wilbert Vault	grave openings	35177	2,790.00
Lybarger Oil, Inc.	fuel	35178	974.46
Postmaster	presort permit	35179	185.00
Suddenlink	internet	35180	209.96
Vision Service Plan	vision insurance	35181	858.28
Mike Weaver	mowing - Soldiers Monument	35182	300.00
Kansas Dept. of Revenue	sales tax	35183	203.83
Kansas Gas Service	power plant	35184	36.15
KMEA - EMP1	electricity, transmission	35185	46,312.93
L & K Services, Inc.	refuse	35186	28,587.68
Miami County Internet OnRamp	internet	35187	19.95
Visa	books, supplies	35188	108.54
AT&T	RTU's	35189	216.85
Void		35190	-
John Deere Credit	equipment lease	35191	1,843.91
Kansas Dept. of Revenue	sales tax	35192	9,598.91
KMEA - Nearman	electricity	35193	61,224.11
Ricoh Americas Corporation	copier lease	35194	289.00
Bradley A/C & Heating	repaired gas leak	35195	300.44
Void		35196	-
CenturyLink	services	35197	2,151.49
CenturyLink	long distance	35198	399.03
CenturyLink	RTU's	35199	236.56
CIT Technology Fin. Services	property tax - Toshiba P.D.	35200	158.82
First Option Bank	bucket truck	35201	1,798.99
KCP&L	services	35202	1,063.39
Kansas Gas Service	services	35203	10,278.36
KDHE	sewer revolving loan	35204	125,356.73
KMEA - GRDA	electricity	35205	81,986.16
KMEA - SWPA	hydroelectric	35206	4,242.87
Lybarger Oil, Inc.	fuel	35207	7,873.01

Record of Ordinances

ORDINANCE NO. 10-4

DATE WARRANTS ISSUED:
March 11, 2010

Page No. 1

AN ORDINANCE MAKING APPROPRIATION FOR THE PAYMENT OF CERTAIN CLAIMS.

Be it ordained by the Governing Body of the City of Osawatomie, Kansas

Section 1. That in order to pay the claims hereinafter stated which have been properly audited and approved, there is hereby appropriated out of the respective funds in the city treasury the sum required for each claim.

CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
Airgas Mid South, Inc.	oxygen cylinder	35214	71.94
American Heartland Wipers	trash bags	35215	69.50
American Textile Mills	rags, grease wipes	35216	323.40
Atco International	cleaner for UV bulbs	35217	78.00
Baker & Taylor	books	35218	291.11
Ben Meadows	annual shipping fee	35219	39.00
BG Consultants, Inc.	streetscape, City Engineer	35220	2,074.77
Blue Line Learning Group, Inc.	internet training courses	35221	234.00
Board of Police Commissioners	alert system user charges	35222	36.85
Bowes Automotive Products	filters	35223	76.20
Brewer's Automotive Repair	tires, parts, labor	35224	361.00
Void		35225	-
Void		35226	-
Brown's Hardware	parts	35227	339.37
BTU Services, Inc.	degreaser, drain opener	35228	955.88
C & G Merchants Supply, Inc.	paper goods, snacks	35229	238.20
Campbell Fire Protection, LLC	annual certification	35230	280.00
Carter Waters	saturock	35231	588.00
Certifion Corporation	entersect Police online	35232	87.95
Champion Brands, LLC	oil, supplies	35233	751.83
Coleman Equipment, Inc.	parts	35234	89.64
Comfort Inn	lodging	35235	80.33
Continental Analytical Services, Inc.	analytical service	35236	800.00
Corrosion Products, Inc.	adapter, parts	35237	152.19
Crash Technology Group	troubleshooting	35238	665.00
Dean Machinery Co.	switch	35239	56.78
Dell Marketing LP	toner cartridge	35240	208.99
Dive Rescue International, Inc.	books	35241	604.97
Division of Accounts and Reports	registration	35242	50.00
E-M Sales	tire mounting lube	35243	12.40
Electronically Speaking	batteries, supplies	35244	149.99
Elliott Insurance, Inc.	notary bond	35245	100.00
Environmental Laboratories, Inc.	analytical service	35246	217.00
Family Center	dog food, rake, supplies	35247	85.38
Richard M. Fisher, Jr. LLC	court appointed attorney	35248	300.00
Four State Maintenance Supply	ice melt, trash bags	35249	280.11
Galls	nameplate, evidence bags, supplies	35250	233.41
.Gaylord Bros., Inc.	office supplies	35251	102.01
GCSAA	dues	35252	320.00
Goodyear Tire Dist. Center	tires, parts, labor	35253	392.32

Record of Ordinances

DATE WARRANTS ISSUED:
March 11, 2010

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CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
Gould & Goodrich	double retention holster	35254	179.95
Grainger	steel strapping, solenoid	35255	424.21
Graybar	fuselink	35256	52.18
Guitar Source	speaker system - storm damage	35257	569.00
Hach	chemicals	35258	29.33
Heritage Tractor, Inc.	tires, parts, labor	35259	382.00
Holman Hansen & Colville, PC	City Attorney	35260	4,390.50
Huber & Associates	domain renewal	35261	125.00
Hunt Martin Materials	rock	35262	590.65
Infilco Degremont, Inc.	lamps, parts	35263	2,797.40
KACM	dues	35264	70.00
Kansas Mayors Association	dues	35265	50.00
Kansas Municipal Judges Assoc.	dues	35266	25.00
Kansas One Call Concepts	locates	35267	63.40
Kansas Rural Water Assoc.	report	35268	50.00
Kansas State Treasurer	training funds	35269	900.50
Mitch Kerr	janitorial - Library	35270	200.00
Knapheide Truck Equipment Center	disc shoe assy	35271	398.25
Kriz-Davis Co.	electric line supplies	35272	353.70
Lacal Equipment, Inc.	rubber plow blades	35273	602.00
Leso	pistol	35274	76.02
Mark D. Lewis	Municipal Court Judge ProTem	35275	300.00
McKinney's Welding	repair packing gland	35276	80.00
Memphis Net Twine Co., Inc.	baseball backstops	35277	481.88
Meyer Laboratory, Inc.	squeezy kleen	35278	94.65
Miami County Sheriff's Office	prisoner care	35279	680.00
Miami County Solid Waste	tires	35280	91.00
Miami Lumber, Inc.	lumber	35281	87.68
Mississippi Lime Company	hydrated lime	35282	1,686.15
Void		35283	-
Moon's IGA	cat food, supplies	35284	155.47
National Sign Company, Inc.	signs	35285	578.00
Navrat's Office Products	fax film	35286	35.99
Navrat's	utility bills	35287	716.20
NEKLS	catalog records migrated, supplies	35288	1,117.20
NPG Newspapers	ads	35289	321.74
Odeys, Inc.	field rakes	35290	167.96
Oil Patch Pump & Supply, Inc.	repair clamps	35291	40.28
Olathe Winwater Works	repair clamps	35292	1,144.95
Pat's Signs	yard signs	35293	35.00
R.E. Pedrotti Co., Inc.	programming	35294	440.00
Praxair Distribution, Inc.	acetylene, oxygen	35295	342.78
QA Balance Services	check balance	35296	95.00
Quill	office supplies	35297	318.14
R & R Products, Inc.	bed knives, tools	35298	363.77



CITY OF OSAWATOMIE
 439 Main Street
 PO Box 37
 Osawatomie, KS 66064
 913-755-2146

LIBRARY IMPROVEMENTS PROJECT
CDBG-R GRANT # 09-PF-736
PAYMENT REQUEST
March 11, 2010
Payment Request No. 8

Claimant	Description	Document Number	Amount
Governmental Assistance Services 905 Joseph Drive Lawrence, KS 66049	administration	2/28/10	\$ 1,289.60
Hanz J Fischer 4 Colonial Court Lawrence, KS 66044	architectural & engineering services		\$ -
	TOTAL		\$ 1,289.60

Approved for payment by the Osawatomie City Council this 11th day of March, 2010.

 Philip A. Dudley, Mayor



CITY OF OSAWATOMIE
439 Main Street
P.O. Box 37
Osawatomie, Kansas 66064
913-755-2146
FAX: 913-755-4164

CITY OF OSAWATOMIE

CITY MANAGER'S REPORT

March 11, 2010

OSAWATOMIE COMPLETE COUNT COMMITTEE:

Census employees have begun delivering surveys throughout the community. The Complete Count Committee has received a number of marketing materials which have been delivered. The goal of the committee is to help raise awareness about the importance of the census, the security of the information that is collected, and educate people on the ways a community's population affects services and dollars it receives. Our hope is to see a noticeable improvement in the response rate for the 2010 Census as compared to the 2000 Census.

UPDATE ON REALIGNMENT OF WARD BOUNDARIES:

At the request of the City Council, I checked with the County Clerk's Office regarding the redrawing of ward boundaries. Currently, each ward in the city corresponds to a voting precinct in the city. They subsequently checked with the Secretary of State's office and the recommendation from both offices is to hold off on redrawing the boundaries until after the 2010 Census data is released. This should be priority number one however, once that information is received.

SCHEDULE FOR LEVEE CERTIFICATION STUDY PHASE II:

The USDA LIDAR aerial photos have been taken and are currently being evaluated. Once those are completed (current estimate is on or around April 1, 2010), Wilson & Co. can begin performing their interior drainage studies and identifying elevations as part of the levee certification requirements. As it stands today, we continue to be slightly ahead of schedule with regard to the certification process.

UPDATE ON DOWNTOWN STREETScape PROJECT:

On March 5, 2010 city staff, our city engineer, Orr Construction Management and their subcontractors held a pre-construction meeting to discuss the streetscape project. We need to have a public meeting with the business owners prior to construction beginning. The contractor would like to get started as soon as possible. As such, with a council work session coming up on March 25, 2010 and the contractor wanting to get started as soon as possible I think the council should begin the March 25 work session at 6:00 p.m. to allow for adequate time for downtown business owners to get to know the contractor, ask any questions and understand the process the contractor is planning on using.

PACIFIC/14TH/BROWN STREET PLANS:

The final round of information has been submitted to USDA – Rural Development for our grant/loan application. We await their review and determination on the application. We did receive word however, that the city’s CDBG application was not approved for this project. The scoring of the project was not as high as other community applications. However, I am remaining optimistic that there is still a chance the project (or maybe a scaled down version of the project) could be constructed provided that the size of the grant we receive is the maximum we are eligible for, and bid prices for the street project are competitively below what our engineers are currently estimating they will be.

TECHNICAL/FEASIBILITY REVIEW OF OSAWATOMIE SWIMMING POOL:

Burbach Aquatics has been notified that the City Council accepted their proposal for an evaluation of the city’s swimming pool. They will be delivering contract documents shortly for execution.

TECHNICAL/FEASIBILITY REVIEW OF OSAWATOMIE ELECTRIC UTILITY:

We have met with two firms that would likely submit proposals on the review of the city’s generation and distribution capacity. The first of those took place last Friday, February 26 and the second took place on Friday, March 5. The firms, Black and Veatch and Mid States Energy Works, Inc. will be asked to submit samples of similar RFP’s to assist us in developing one to fit our needs.

ETI HVAC BIDS:

We invited local licensed HVAC contractors to view the ETI HVAC system over the past couple of weeks to evaluate what in their opinion would be adequate replacement units for the facility’s HVAC system. Each contractor evaluated what was currently present in the building and bid what they believed to be adequate replacement units. All bid the same sized AC units but each bid slightly different sized heat units. Each bidder’s proposed replacements in staff’s opinion would be adequately sized to properly heat the facility. The bids were as follows:

Wakeman Mechanical Contracting -	\$13,000	(alternate \$15,000)
Douglass & Sons Heating & AC -	\$15,390	(alternate \$16,434)
Bradley Heating & Air -	\$14,116.86	(alternate \$15,387.84)
USA Mechanical, Inc. -	\$12,598	(no alternate units proposed)

I have sent the Kansas Department of Commerce a letter requesting them to pay the cost of the improvements and explained to them our plan to hopefully sell the facility this summer. Once I have a response from the State of Kansas, I will let the council know.

UPDATE TO OSAWATOMIE COMPREHENSIVE PLAN:

I have spoke with Diane Binkley of Ochsner, Hare & Hare (OHH), regarding the update to the comprehensive plan. You will remember, that we received assistance from the Mid-America Regional Council (MARC) with a planning intern to gather all of the required information and do a lot of the “leg work” so we could save significant dollars on the professional review fees with OHH. No interns are available from MARC for the current year, which leaves us in a position of holding out completion of the comprehensive plan until additional resources are

available to assist in the cost or contracting with OHH to complete the plan. I have received a proposal from OHH and the cost to complete the plan at this time is: \$18,607. Absent any opportunity to significantly reduce the fee, it is my recommendation to hold off on this process until we dispose of some other, more pressing issues (i.e. levee certification).

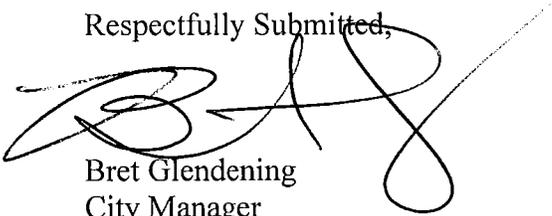
2011-2015 CAPITAL IMPROVEMENTS PROGRAM & 2010 CIP EXPENDITURES:

City staff has begun the process of evaluating the capital improvement needs for 2010. With a much more limited budget and a considerable amount of uncertainty still in the air with regard to the economy in general and city property valuations more specifically. There is a possibility that I will recommend holding off on any CIP expenditures until after the 2011 budget has been adopted in August. However, we will still be developing and bringing to the council for approval, the 2011 – 2015 CIP plan which is used to help develop the 2011 budget.

SPECIAL USE PERMIT FOR INDUSTRIAL FUMIGANTS:

At the March 3, 2010 Planning Commission meeting, the Osawatomie Planning Commission recommended unanimously, the approval of a special use permit for Industrial Fumigants. This property was rezoned to M-2 in 2008. The special use permit is required due to the nature of the materials that will be stored in the new warehouse that will be constructed, pending council approval of the SUP. This firm has had a location in Olathe, Kansas for approximately 30 years and has yet to have any problems with the storage of the materials. The company mainly provides chemical treatment to large food companies for pest control. The primary concern would be fire (which has not been an issue to date). The company has expressed on at least two different occasions, a willingness and desire to provide training to our fire department. Staff recommends approval of the special use permit. The earliest the ordinance could be approved would be at the March 25, 2010 work session/meeting.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Bret Glendening', written over a horizontal line.

Bret Glendening
City Manager

Building Permit Activity for the Month of February 2010

Category	Total Permits	Total Value	Received by City
New Residences	0	0	0
Re-roofs	1	\$8,000.00	\$30.00
Remodels	1	\$7,000.00	\$17.63
Accessory Buildings	0	0	0
Concrete	0	0	0
Mechanical	2	\$500.00	\$80.00
Repairs	1	\$500.00	0
Decks & Porches	1	\$50/00	\$30.00
Additions	0	0	0
Com. Buildings	1	\$400,000.00	0
Demolishing	1	\$1,500.00	\$30.00
Fences	0	0	0
Plumbing	4	\$350.00	\$120.00
Electrical	5	\$5,345.00	\$170.00
Ag. Buildings	0	0	0
Penalties	1	\$60.00	\$60.00
Plan Review	0	0	0
Totals	17	\$423,305.00	\$606.63

Accessory list includes detached accessory structures, storage sheds, signs and carports.

Concrete list includes driveways, sidewalks, concrete pads, porches, basements foundations & patios.

Terry E. Anderson
Building Official

Osawatomie Recreation Commission

Osawatomie, Kansas 66064



March 9, 2010

Osawatomie City Council :

Thank you for inviting me to the March City Council meeting. I am unable to attend, due to officiating the State High School Basketball Championships at Hays.

Listed below is information on our spring and upcoming summer Recreation programs.

INDOOR SOCCER : teams are practicing now and games begin March 22.

Participation : 192 players on 15 teams.

Midget Division (4&5 year olds) : 39 players – 3 teams

Pee-Wee Division (6 yr. olds – 2nd grade) : 54 players – 4 teams

Bantam Division (3rd – 5th grade) : 66 players – 5 teams

Junior Division (6th – 8th grade) : 33 players – 3 teams

SUMMER PROGRAMS :

BASEBALL / SOFTBALL – registration begins the week of April 11.

Teams begin practice on May 1. Games begin May 24.

Pre – T-Ball : 4 & 5 year olds

T-Ball : 6 years old or completed kindergarten

A Baseball : 7 & 8 year olds

AA Baseball : 9 & 10 year olds

AAA Baseball : 11 & 12 year olds

Babe Ruth Baseball : 13 – 15 year olds

American Legion Baseball : 16 – 19 year olds

Ponytail Softball : 7 & 8 year olds

10 & under Softball : Two Rivers Softball League

12 & under Softball : Two Rivers Softball League

14 & under Softball : Two Rivers Softball League

16 & under Softball : Two Rivers Softball League

* Two Rivers Softball League – is a new league the Commission formed this year, with the following towns, participating : Garnett, Greeley, Richmond, Princeton, Williamsburg and Osawatomie.

TOURNAMENTS :

June 10 –13 : Cal Ripken Invitational

June 18 – 20 : Raiders Classic

June 25 – 27 : Two Rivers Softball League

TOURNAMENTS : CONTINUED

July 5 – 11 : Cal Ripken Districts

July 12-18 : Babe Ruth Districts

SUPERVISED PLAYGROUND PROGRAM :

For 6 year olds - 12 year olds : This program will be on Mondays and Wednesdays in June. The program is held in John Brown Park and the participants will be doing : organized games, water games, arts & crafts , and story telling.

LEARN – TO – SWIM PROGRAM :

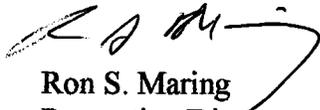
For 3 year olds - 16 year olds :

Program Dates : June 21 – July 2

Program Times : 9:00 a.m. ; 9:45 a.m. ; 10:30 a.m. ; 11:15 a.m.

Thank you for your continued support of the Recreation Commission and if you ever have a questions, please feel free to contact me at anytime.

Sincerely,



Ron S. Maring
Recreation Director

OSAWATOMIE CITY COUNCIL
SPECIAL MEETING
WORK SESSION / MEETING AGENDA
Thursday, March 25, 2010
Memorial Hall

WORK SESSION – 6:00 p.m.

1. Downtown Streetscape Improvement Project Public Meeting
2. Presentation on Public Safety Code Amendment
3. Codification Ordinance

REGULAR MEETING – 7:30 p.m.

- A. Call to Order
- B. Roll Call
- C. Approval of Agenda
 1. Ordinance to Approve Special Use Permit to Operate a Warehouse/Office Facility for the Storage of Industrial Fumigants on Lone Star Road South of 327th Street
 2. Ordinance to Rezone 32786 Lookout Road From RP-4 (Rural Residential) to C-3 (Highway Commercial)
 3. Administration of Oath at May 13 Meeting
Executive Session - none
- D. Adjournment of Regular Meeting

ORDINANCE NO. ____

AN ORDINANCE PERTAINING TO THE SPECIAL USE PERMIT TO OPERATE A WAREHOUSE/OFFICE FACILITY FOR THE STORAGE OF INDUSTRIAL FUMIGANTS WITHIN THE GROWTH AREA OF THE CITY OF OSAWATOMIE.

WHEREAS, The Industrial Fumigant Company, LLC, is requesting a Special Use Permit to operate a warehouse/office facility in a M-2 General Industrial District, and

WHEREAS, the property is located North and East of Debrick Truck Line Company along the East side of Lonestar Road, and

WHEREAS, the current zoning of the property is the City's M-2 General Industrial District, and

WHEREAS, the Osawatomie Planning Commission held a public hearing on this proposed Special Use Permit on March 3, 2010 in accordance with City and State zoning laws and the Planning Commission recommended approval of the Special Use Permit.

NOW THEREFORE, BE IT ORDAINED THE GOVERNING BODY OF THE CITY OF OSAWATOMIE, KANSAS AS FOLLOWS:

SECTION ONE: A special use permit is granted to The Industrial Fumigant Company to operate a warehouse/office facility at the above described location, Osawatomie, Kansas, subject to the following conditions:

1. The Special Use Permit will be issued to the Industrial Fumigant Company, its successors and assigns, not the property;

SECTION TWO: The special use permit will be issued for and the operation conducted on the Northwesterly most 1.5 acres of the following described real estate, situated in Osawatomie, Miami County, Kansas, to-wit:

Commencing at Northwest corner of the Northwest Quarter of Section 32, Township 17 South, Range 23 East, thence South 2 degrees, 47' 38" West 1343.40 feet along the West line of said Quarter Section to the point being the Northwest corner of the Southwest Quarter of said Quarter section, said point being the true point of beginning, thence North 87 degrees 05' 47" East 1332.52 feet along the North line of the Southwest Quarter of said Quarter Section to a point being the Northeast corner of the Southwest Quarter of said Quarter Section, thence South 2 degrees 49' 22" East 524.38 feet along the East line of the Southwest Quarter of said Quarter Section, thence South 87 degrees 05' 47" West

1332.79 feet along a line parallel to the North line of the Southwest Quarter of said Quarter to a point on the West line of said Quarter Section, thence North 2 degrees 47' 38" West 524.38 feet along the West line of said Quarter Section to the point of beginning, all in Miami County, Kansas, subject to any part thereof in roads, in Miami County.

SECTION THREE: This ordinance shall take effect and be in force from and after its passage and one publication in the official City newspaper.

PASSED AND APPROVED by the Governing Body of the City of Osawatomie, Miami County, Kansas, a majority being in favor thereof, this 25th day of March, 2010.

APPROVED and signed by the Mayor.

(SEAL)

Philip A. Dudley
Mayor

ATTEST:

Ann Elmquist
City Clerk



CITY OF OSAWATOMIE
439 Main Street
P.O. Box 37
Osawatomie, Kansas 66064
913-755-2146
FAX: 913-755-4164

To: Mayor and City Council of Osawatomie

From: Terry Anderson, Building and Zoning Official *Terry E. Anderson*

RE: Special Use Permit for Industrial Fumigants, LLC

Date: March 25, 2010

Mr. Kevin Debrick stated to the Planning Commission, that Industrial Fumigant has been working with him for over two years to get the project rolling.

Robert Blachley Executive V.P for Industrial Fumigant stated to the Planning Commission that they specialize in pest control for the food industries.

Cindy Moore, resident that lives on the property just to the south were the warehouse will be expressed concerns about the type of pesticides being stored on the premises and the possible hazards to humans.

Mr. Blachley stated that with any chemical there was the capability of being dangerous, but fumigants differ from pesticides.

Planning Commission approved the site plan with one note that the plans shows the parking lot being gravel, Mr. Debrick stated that the parking lot now be concrete.

Staff recommends approval.



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To: Mayor and City Council of Osawatomie

From: Terry Anderson, Building and Zoning Official *Terry Anderson*

RE: Request for re-zoning of 3.7 acres at 32786 Lookout Rd. Paola, KS. to C-3 Commercial

Date: March 25, 2010

The owner Mr. Jason Johnson had requested the zoning change so he could open up a small auto repair shop. Several audience members are opposed to the re-zoning due to the fact that there have been several nuisance violations on the premises over the years and they are concerned that if an auto repair shop is allowed to operate on the property that it may over time look like a salvage yard.

One of the audience members asked Mr. Johnson if any fresh water impact studies of EPA impact studies had been done since there would be Class 1 petroleum based products on site. No record of any study was presented. There is a small stream that is just to the south of the property and the surrounding property land owners were concerned about possible pollution of the stream.

After review of the property owners concerns on what was allowed in the C-3 Highway Commercial and what could be allowed, EPA impact studies on pollution and with the possibility of the property becoming a salvage yard, staff must concur with the findings of the Planning Commission and recommend denial of the application for re-zoning.

Osawatomie Planning Commission

Minutes

March 3, 2010

Chairman Mark Marquez called the meeting to order at 7:06 p.m. Members present were Marquez, Claude Light, Tony Savage, Dean Inscore and Doug Whitney. City staff present: Terry Anderson, Building Official and Lora Upshaw. Guests present were Janet McRae, Arnold, Kevin and Ken Debrick, Cindy Moore, Robert Blachley and Mark Kettler. Inscore motioned to approve minutes, seconded by Light. Motion approved unanimously.

Chairman Marquez opened the public hearing at 7:07 p.m. for consideration of special use request by Industrial Fumigant.

Kevin Debrick opened the discussion stating he was the property owner and has been working with Industrial Fumigant for over two years now to get this project rolling.

Robert Blachley Executive V.P. for Fumigant informed the audience of their specialized services in pest control within the food industries. He stated Nabisco and General Mills among others used their products and the company was held legally and morally to very high standards. Their intention was to build a consolidated warehouse as they were currently sharing space in Olathe.

Cindy Moore, resident on Lone Star voiced she was concerned with hazards to humans being stored there.

Mr. Blachley stated with any chemical there was the capability of being dangerous, but fumigants differ from pesticides. Fumigants are in sealed containers that give off a gas to kill rodents and insects. There are various forms; most are solids that break down to gases. One in particular is Methobromide which is in a liquid state under pressure or under 40 degrees, but above 40 degrees or not under pressure it turns to a gas. Most products will dissipate if released into the atmosphere and no longer be harmful. He welcomed anyone with questions to come by their current warehouse and see how things are run. He also stated that although they have numerous residents at their current location, they have never had a complaint. He could not promise that all products would be stored inside at all times, but that was the intention.

Mr. Light asked how many employees would be on site. Mr. Blachley stated two full time and approximately five others based there that would be in and out.

Chairman Marquez mentioned the only change to the site plan was the parking lot would be concrete rather than gravel.

March 3, 2010

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Mr. Savage motioned to approve special use, seconded by Mr. Whitney. Motion was approved unanimously.

Meeting adjourned 7:20 p.m.

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE REZONING OF CERTAIN PROPERTY IN THE GROWTH AREA OF THE CITY OF OSAWATOMIE, KANSAS FROM RP-4 (RURAL RESIDENTIAL) TO C-3 (HIGHWAY COMMERCIAL); AMENDING THE ZONING MAP INCORPORATED BY REFERENCE IN ORDINANCE NO. 3647, AND AMENDMENTS THERETO.

WHEREAS: after due and lawful notice, the Osawatomie Planning Commission on February 24, 2010 held a public hearing, and recommended denial of the request to rezone from RP-4 (Rural Residential to C-3 (Highway Commercial); and

WHEREAS: the Governing Body may (1) approve such Planning Commission recommendation, (2) override the Planning Commission's recommendation by a 2/3 majority vote of the membership of the Governing Body; or (3) may return the same to the Planning Commission for further consideration, together with a statement specifying the basis for the Governing Body's failure to approve or disapprove.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OSAWATOMIE, KANSAS, as follows:

SECTION ONE: That the zoning district classification for the following described property, situated in Miami County, Kansas, to-wit:

Beginning at a point 553.00 feet South of the Northeast (NE) corner of the Northeast Quarter (NE1/4) of Section 36, Township 17 South, Range 22 East, Miami County, Kansas, said point being on the East line of said Quarter Section, thence South 305.00 feet and along the East line of said Quarter Section, thence West 429.00 feet and parallel to the North line of said Quarter Section, thence North 429.00 feet and parallel of the East line of said Quarter Section, thence East 301.61 feet and parallel to the North line of said Quarter Section, thence South 05 degrees 01' West a distance of 119.50 feet, thence South 87 degrees 13' East a Distance of 138.00 feet to the point of beginning, in Miami County, Kansas.

Commonly known as 32786 Lookout Road, is hereby changed from RP-4 (Rural Residential) to C-3 (Highway Commercial).

SECTION TWO: That the Zoning Map adopted by Ordinance No. 3647 is hereby amended to reflect the rezoning, as set forth in Section One.

SECTION THREE: EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its passage and one publication in the official City newspaper.

PASSED AND APPROVED by the Governing Body of the City of Osawatomie, Kansas, a two-thirds majority being in favor thereof, this 25th day of March, 2010.

APPROVED and signed by the Mayor.

Philip A. Dudley
Mayor

(SEAL)

ATTEST:

Ann Elmquist
City Clerk

OSAWATOMIE PLANNING COMMISSION

MINUTES

February 24, 2010

Chairman Jim Adams called the meeting to order at 7:02 p.m. at Memorial Hall. Members present were: Jim Adams, Doug Singer, Doug Whitney, Mark Marquez, Tony Savage, and Dean Inscore. City Staff present: Building Inspector, Terry Anderson and Lora Upshaw. Guests present were: Jason & Clylene Johnson, Andrew Curran, Maryane Reeder, Mary Kaiser, Don Krueger, Darrell & DeAnn Peter, Walter Medlin, Melinda & Greg Strahl. Marquis moved to approve the minutes, seconded by Whitney. The motion was approved unanimously.

First item was approving minutes from November 4, 2009 meeting. Motion to approve by Marquez, seconded by Inscore. Motion approved unanimously.

Second item was nominations for the chairman and vice chairman of the Planning Board. Chairman Adams nominated Mark Marquis Chairman position, seconded by Doug Singer. Vote for Marquez unanimous. Adams nominated Doug Singer for Vice Chair, vote was unanimous.

Chairman Marquez opened the public hearing at 7:08 for consideration of the rezoning request for 32786 Lookout Road made by Jason Johnson.

Chairman Marquez asked the reason for the request. Mr. Johnson stated he wanted to open a small auto repair shop.

Audience members wanted to know if there would old cars and parts lying around. Mr. Johnson said he would keep vehicles and parts in the garage. He would only be performing oil changes and small jobs to earn extra money.

Audience asked what Highway Commercial permitted. Mr. Adams read the zoning book definition and permitted uses. There was much discussion to the large diversity of uses with a great concern that the property could be used as a club or drinking establishment in the future.

Mr. Curran stated his property was in very close proximity to the Johnson's (16" to 18") garage where the repairs would be made and he was opposed to the idea. He stated he has called the county for nuisance violations on the Johnson's property in the past and it already looked like a salvage yard.

Mr. Strahl asked if any fresh water impact studies or EPA impact studies had been done since there would be Class 1 petroleum based products on site. He stated he was opposed to the request.

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Planning Commission
February 25, 2010

Mr. Adams stated the Planning Commission deals with the zoning issues only and knowledge of studies were not known to the Board.

Mrs. Johnson stated she had gone online and printed out what needed to be done in that area.

Other comments were made from the audience regarding past nuisance violations at the property in question and concern for what might happen under that zoning in the future.

Inspector Anderson stated he was aware of past violations with the county and he had gone by the property earlier that day to take pictures and noticed several violations but was not aware if the county was acting on them at this time. He was asked how the City handles nuisance issues which he explained although this property is in the growth area and handled by the county for nuisance problems.

Mr. Adams asked about the Interlocal Agreement between the County and the City regarding paving Lookout Road to access the business.

Inspector Anderson stated the City Manager felt that Section 7, paragraph B which states "...this provision shall not apply to any development or plats, including preliminary plats, which were approved prior to adoption of this Agreement by all parties.", eliminates the need for paving Lookout Road since the property was platted prior to the agreement.

Chairman Marquez moved to close public hearing. Mr. Adams moved to deny request for rezoning due to public sentiment. Seconded by Inscore. Motion approved unanimously.

Meeting adjourned 7:25 p.m.